

STATE OF WISCONSIN
Senate Journal
Eighty-Sixth Regular Session

WEDNESDAY, February 1, 1984
10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The roll was called and the following senators answered to their names:

Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Duane Hardy of the Unity Church, Madison.

The senate remained standing and Senator Kreul led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 579

Relating to the duties of fence viewers and increasing a penalty.

By Senator Theno.

To committee on Agriculture and Rural Affairs.

Senate Bill 580

Relating to repetitive petitions for reassessment of property.

By Senator Kincaid; cosponsored by Representative Holperin.

To committee on Tourism and Revenue.

Senate Bill 581

Relating to abolishing the bingo control board, creating a public gaming board, authorizing instant raffles, taxing bingo and instant raffle activities, granting rule-making authority, making appropriations and providing a penalty.

By Senators Van Sistine, Kincaid, Roshell, Kreul and Chilsen; cosponsored by Representatives Vanderperren, Swoboda, Becker, Gilson, Holperin, Medinger, Rogers, Looby and Byers.

To Joint Survey committee on Tax Exemptions.

Senate Bill 582

Relating to the applicability of shoreland zoning ordinances to certain platted subdivision areas.

By Senator Maurer; cosponsored by Representative Antaramian.

To committee on Energy and Environmental Resources.

Senate Bill 583

to authorize and direct expenditure of \$20,029.83 from moneys appropriated to the department of natural resources for payment of a claim against the state made by the village of Glenbeulah.

By Senator Otte; cosponsored by Representatives Turba and Potter.

To joint committee on Finance.

Senate Bill 584

Relating to payment of restitution in forfeiture actions.

By Senator Ellis; cosponsored by Representative Bradley, by request of John Vanderloh, Police Chief, City of Omro.

To committee on Judiciary and Consumer Affairs.

Senate Bill 585

Relating to revising penalties for offenses related to endangered species of wild animals.

By Senators Otte, Strohl and Theno; cosponsored by Representatives Jauch, Metz and Smith.

To committee on Energy and Environmental Resources.

Senate Bill 586

Relating to limiting property owners' liability toward users of their property for recreational activities and changing penalties.

By Senators Helbach, Roshell, Moen, Kincaid and Theno; cosponsored by Representatives T. Thompson, Horvath, Robinson, Goetsch, Hasenohrl, Jaronitzky, Luckhardt, Van Gorden, Zeuske, Rude, Byers, Schneiders, Matty, Cowles, Stitt, Vanderperren and Lewis.

To committee on Tourism and Revenue.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 168

Relating to the creation of a uniform unclaimed property act, granting rule-making authority, making appropriations and providing penalties.

Passage:

Ayes, 13 -- Senators Kleczka, Maurer, Roshell, George, Norquist and McCallum, Representatives Munts, Metz, Wood, Becker, Jauch, Stitt and Nelsen;

Noes, 0 -- None.

GERALD D. KLECZKA
Chair

The committee on Health, Education, Corrections and Human Services reports and recommends:

Senate Bill 478

Relating to health care coverage of diabetic self-management education programs.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Thompson, Norquist, Davis, Moen and Strohl;

Noes, 1 -- Senator Lorman.

Passage as amended:

Ayes, 5 -- Senators Thompson, Norquist, Davis, Moen and Strohl;

Noes, 1 -- Senator Lorman.

Senate Bill 253

Relating to attaching pamphlets about fetal alcohol syndrome to marriage licenses.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Norquist, Moen, Davis and Lorman;

Noes, 1 -- Senator Strohl.

Senate Bill 197

Relating to an income tax deduction for charitable contributions of works of art.

Adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Strohl, Norquist, Lorman and Moen;

Noes, 1 -- Senator Davis.

Senate Bill 325

Relating to various changes to the statutes regulating hearing aid dealers or fitters.

Passage:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 304

Relating to investigations in stepparent adoptions.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 370

Relating to various changes in the statutes pertaining to the powers and duties of school boards.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 380

Relating to eligibility for aid to families with dependent children.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 253

Relating to Huber facilities and granting rule-making authority.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 281

Relating to authorizing certain school personnel to administer drugs to pupils under specified conditions and immunizing the personnel from civil liability.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 550

Relating to testing for metabolic disorders and providing special diets to persons diagnosed as suffering from these diseases.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Assembly Bill 193

Relating to male and female prisoners participating together in supervised activities.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

State of Wisconsin
Revisor of Statutes Bureau
Madison, Wisconsin

February 1, 1984

Assembly Bill 434

Relating to day care services and funds, granting rule-making authority and making an appropriation.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Lorman, Davis and Moen;

Noes, 0 -- None.

CARL W. THOMPSON

Chair

SENATE CLEARINGHOUSE ORDERS

The committee on Labor, Business, Veterans Affairs and Insurance reports and recommends:

Clearinghouse Rule 83-170

AN ORDER to create ETF 10.01 (3h) and (3s) and 10.10, relating to the teachers retirement board elections.

No action taken.

Clearinghouse Rule 83-178

AN ORDER to renumber Ind 69.07 (1) (a) 4 to 9; to amend Ind 69.03 (1)-Table 69.03-1 and (2)-Table 69.03-2, 69.06 (2), 69.07 (1) (a) 3, 69.09 (1) (a)-Table 69.09-1 and 1 a, (b), (c) (intro.) and 4, (d) and (k) and (3) (b), (c)-Table 69.09-5 and (d), 69.16 (2)-Table 69.16-1, 69.23 (1) (b)-Table 69.23-1, (e) and (g), (2) (b)-Table 69.23-3 and (c), (3) and (4) (title); to repeal and recreate Ind 69.15; and to create Ind 69.02 (5), 69.07 (1) (a) 4, 69.23 (1) (h) and (i), (2) (f) and (g) and (5), relating to user fees.

No action taken.

JEROME VAN SISTINE

Chair

Donald J. Schneider

Senate Chief Clerk

State Capitol

Madison, Wisconsin

Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 82-178 effective February 1, 1984.

Clearinghouse Rule 82-206 effective February 1, 1984.

Clearinghouse Rule 83- 38 effective July 1, 1984.

Clearinghouse Rule 83- 39 effective July 1, 1984.

Clearinghouse Rule 83- 40 effective part February 1, 1984, part July 1, 1984.

Clearinghouse Rule 83- 41 effective July 1, 1984.

Clearinghouse Rule 83- 49 effective February 1, 1984.

Clearinghouse Rule 83- 65 effective February 1, 1984.

Clearinghouse Rule 83- 78 effective February 1, 1984.

Clearinghouse Rule 83-107 effective February 1, 1984.

Clearinghouse Rule 83-108 effective February 1, 1984.

Clearinghouse Rule 83-121 effective February 1, 1984.

Clearinghouse Rule 83-140 effective February 1, 1984.

Clearinghouse Rule 83-143 effective February 1, 1984.

Clearinghouse Rule 83-152 effective February 1, 1984.

Clearinghouse Rule 83-155 effective February 1, 1984.

Clearinghouse Rule 83-160 effective February 1, 1984.

Clearinghouse Rule 83-162 effective February 1, 1984.

Clearinghouse Rule 83-164 effective February 1, 1984.

Sincerely,

GARY L. POULSON

Assistant Revisor

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 77
Assembly Joint Resolution 84

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 77

Relating to the life and public service of Clement J. Zablocki.

By Representatives Loftus, Johnson and T. Thompson, co-sponsored by Senators Risser, Cullen and Harsdorf.

Read.

Considered as privileged and taken up.
Concurred in by unanimous rising vote.

Assembly Joint Resolution 84

Relating to the life and public service of Bernard Lewison.

By Representatives T. Thompson, Tregoning, Luckhardt, Rude and All Members of the Assembly.

Read.

Considered as privileged and taken up.
Concurred in by unanimous rising vote.

CALENDAR OF FEBRUARY 1

Senate Joint Resolution 23

Relating to requesting the legislative council to study the future of the family farm in Wisconsin.

Read.

Adopted.

Senate Bill 95

Relating to the penalty for violating a department of agriculture, trade and consumer protection pest control order.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 95

Read a third time and passed.

Senate Bill 317

Relating to exempting migrant workers enrolled in the university of Wisconsin system from nonresident tuition.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 317

Read a third time.

By request of Senator Engeleiter, with unanimous consent, the bill was referred to a second reading.

Read a second time.

Senate amendment 1 offered by Senators Engeleiter and Davis.

Senator Norquist raised the point of order that senate amendment 1 was not germane.

The chair ruled the point of order well taken.

Senator Engeleiter appealed the ruling of the chair.

The question was: Shall the decision of the chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 21; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Czarnecki, Feingold, George, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lee, Maurer, Moen, Norquist, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Lasee, Lorge, Lorman, McCallum and Opitz -- 11.

Absent or not voting -- None.

So the decision of the chair shall stand as the judgment of the Senate.

The question was: Shall the bill be ordered to a third reading.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 317

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Kreul and Roshell -- 2.

Absent or not voting -- None.

So the bill passed.

Senate Bill 323

Relating to handicapped plates for small trucks.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 323** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 323** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 323

Read a third time and passed.

Assembly Bill 56

Relating to fees for quarterly registration of motor vehicles.

Read a second time.

Ordered to a third reading.

By request of Senator Norquist, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 56

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 301

Relating to late submittal of siting resolutions and approval of negotiated agreements for the siting of solid and hazardous waste facilities.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 301

Read a third time and concurred in.

Assembly Bill 342

Relating to car pools.

Read a second time.

The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 342

Read a third time and concurred in as amended.

Assembly Bill 453

Relating to a control and indemnification program for swine pseudorabies, granting rule-making authority and making an appropriation.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 453

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 507

Relating to protective headgear for motor-driven cycle passengers and providing a penalty.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 507

Read a third time and concurred in.

Assembly Bill 681

Relating to making technical and minor substantive revisions to the waste facility siting process and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 681

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George,

Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in as amended.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

MOTIONS

Senator Engeleiter moved that **Senate Bill 208** be withdrawn from joint committee on Finance and referred to committee on Senate Organization.

The question was: Shall **Senate Bill 208** be withdrawn from joint committee on Finance and referred to committee on Senate Organization?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

Noes -- Senators Adelman, Cullen, Czarnezki, Feingold, George, Helbach, Kincaid, Kleczka, Lee, Maurer, Moen, Norquist, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 18.

Absent or not voting -- None.

So the motion did not prevail.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Joint Resolution 52** by Senator Norquist.

Senate amendment 1 to **Senate Bill 403** by Senator Van Sistine.

Senate amendment 1 to **Senate Bill 493** by Senator Lorman.

Senate substitute amendment 1 to **Senate Bill 511** by Senators Lorman and Lasee.

CITATIONS

MOTIONS UNDER SENATE RULE 98

A Certificate of Congratulations by Senator Czarnezki for ALAN GRIMMER on the occasion of The National Medal of Merit;

A Certificate of Congratulations by Senator Harsdorf for MR. and MRS. PHIL B. AUER on the occasion of their 50th wedding anniversary;

A Certificate of Congratulations by Senator Harsdorf for MR. and MRS. BUD PLOMSKI on the occasion of their 50th wedding anniversary;

A Certificate of Congratulations by Senator Harsdorf for MR. and MRS. ROY ARNELL on the occasion of their 50th wedding anniversary;

A Certificate of Commendation by Senator Harsdorf for DR. WILLIAM FASBENDER on the occasion of retirement;

A Certificate of Congratulations by Senator Harsdorf for LOUISE YANKE on the occasion of her 80th birthday;

A Certificate of Commendation by Senator Engeleiter for BARBARA REITER on the occasion of completing her college education at the University of Wisconsin-Eau Claire;

A Certificate of Commendation by Senator George for ARDIE HALYARD on the occasion of her tireless community involvement;

A Certificate of Congratulations by Senator Helbach and Representative Horvath for VICTOR SOIK on the occasion of his retirement;

A Certificate of Commendation by Senator Helbach and Representative Horvath for JAMES E. CASHIN on the occasion of his retirement;

A Certificate of Congratulations by Senator Helbach for BURDETTE W. EAGON Ph.D. on the occasion of his retirement;

A Certificate of Congratulations by Senator Opitz for RAYMOND MAAS on the occasion of his retirement;

A Certificate of Commendation by Senator Harsdorf for MARCIA DAWN BRAGER on the occasion of posthumously receiving an 'Exceptional Children' Award;

A Certificate of Congratulations by Senator Feingold for JOHN SAUNDERS on the occasion of community service;

A Certificate of Congratulations by Senator Otte for THE SHEBOYGAN COMMUNITY PLAYERS on the occasion of their 50th anniversary;

A Certificate of Congratulations by Senator Harsdorf for REUBEN SKOG on the occasion of his 96th birthday;

A Certificate of Congratulations by Senator Harsdorf for FLORENCE ROTHMAN on the occasion of her 74th birthday;

A Certificate of Congratulations by Senator Otte for JAMES AND BERNICE FERRIES on the occasion of their retirement: t 2

MOTIONS UNDER JOINT RULE 7

A Certificate of Congratulations by Senator Risser and Representative Munts for RALPH BROWER on the occasion of his 89th birthday and 31st wedding anniversary;

A Certificate of Congratulations by Senator Theno and Representatives Jaronitzky, Smith and Jauch for THE NORTHWEST REGIONAL PLANNING COMMISSION on the occasion of its 25th anniversary;

JOURNAL OF THE SENATE [February 1, 1984]

A Certificate of Commendation by Representative Vanderperren cosponsored by Senator Van Sistine for **NICHOLAS L. CLARK** on the occasion of his leaving Heritage Hill State Park;

A Certificate of Commendation by Representatives Wood and Manske cosponsored by Senators Cullen and Thompson for **RICHARD AND DARLEEN NYMAN** on the occasion of receiving an award from the National Endowment for Soil and Water Conservation;

A Certificate of Commendation by Representative Manske cosponsored by Senator Thompson for **LULU EASTON** on the occasion of her 100th Birthday;

A Certificate of Commendation by Representative M. Coggs, Williams and S. Coggs cosponsored by

Senator George on the occasion of their 65th wedding anniversary;

A Certificate of Congratulation by Representative Hasenohrl cosponsored by Senator Helbach for **LOUIE'S REFRIGERATION SERVICE/COMFORT SYSTEMS** on the occasion of being named 1984 Firm of the year.

Upon motion of Senator Cullen the senate adjourned until 9:30 A.M. Thursday, February 2.

11:05 A.M.